



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Agenda

Meeting of August 13, 2003

9:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of minutes of June 18, 2003 meeting

OLD BUSINESS

2. PAC Contribution Reporting Issue

At the June 18, 2003 meeting, the Commissioners invited public comment on the issue of how a political action committee (PAC) should report a contributor's direct payment to a vendor for a good or service received by the PAC. The Commission's Executive Director sent written invitations for comment to the leadership of Legislature, all legislators on the Legal and Veterans Affairs Committee, civic groups, and the treasurers of all PAC's registered with the Commission. A total of three written comments have been received as of August 7, 2003. Additional oral comments are expected at the meeting.

3. Rights Association of Washington

The Commission staff recommends no further investigation in this matter. The Commission received a written request for an investigation regarding the Rights Association of Washington ("RAW"). The request states that RAW was required to register as a PAC and file campaign finance reports. In its response, RAW has stated that its activities are limited to promoting ballot questions and candidates in the town of Washington. Because there is no evidence that RAW's activities have extended beyond municipal candidates and ballot questions, RAW was not required to register as a PAC and file reports.

NEW BUSINESS

4. Christian Action League/Reporting Spending on Ballot Questions

Michael Heath is the Executive Director of three organizations that would like to make expenditures against the casino gambling and slot machine questions that will be on the ballot in November 2003. Mr. Heath has requested guidance regarding the requirements for reporting this activity. Please see attached memorandum.

Penalty Determinations

5. Deborah L. Danuski – spending \$72 in personal funds as an MCEA candidate

Ms. Danuski was an MCEA candidate for State Representative in the 2002 elections. She ordered two campaign mailings from the Bangor Letter Shop, the first of which was to be mailed on October 25, 2002. The candidate wrote a check in the amount of \$1,007.57 to cover printing and postage for the first mailing. It was discovered that the shop accidentally did not deliver the literature to the post office. On November 1, the campaign bought \$999.00 in postage and mailed the materials. The candidate did not mail the check she had written to the shop. After the election, the shop mailed the candidate a bill for \$355.95 to cover the printing for the mailing. The candidate had only \$284 of Clean Election funds with which to pay the bill, so she paid the remaining \$72.25 with her personal funds.

6. Richard Davis Hart – contribution limit violation

Mr. Hart was a traditionally financed candidate for State Senate in the 2002 elections. The Commission staff noticed that on August 5, 2002 the Libertarian Party of Maine spent \$365.00 on mailings for Mr. Hart's campaign, which exceeded the \$250 contribution limit. On November 20, 2002, the former Commission director mailed the candidate and Libertarian party a letter regarding the over-the-limit contribution. The following day, the Hart campaign reimbursed the Libertarian Party for the excessive part of the contribution (\$115).

No civil penalty is authorized in the Election Law for a violation of the contribution limit. The violation could be considered a Class E crime under 21-A M.R.S.A. §1004(1).

7. Andrea Cianchette Maker

Monthly Lobbyist Reports for two employers

Due 7/15/03; both reports filed electronically on 7/16/03 – 1 day late

Statutory Penalties: \$100 each, for a total of \$200

Recommendation: Assess two penalties totaling \$200. Ms. Maker was penalized \$200 in January 2003 for the late filing of her 2002 annual report as a lobbyist for Merrill's Marine Terminal.

8. Catherine Gavin

Monthly Lobbyist Report for one employer

Due 7/15/03; filed 7/22/03 – 7 days late

Statutory Penalty: \$100

Recommendation: Assess penalty of \$100. Ms. Gavin was penalized \$50 in April 2002 for filing a February 2002 report late.

9. Perkins, Thompson, Hinckley & Keddy

Jill Duson

Monthly Lobbyist Report for one employer

Douglas Carr

Monthly Lobbyist Report for two employers

Due 7/15/03; three reports filed 7/16/03 – one day late

Statutory Penalties: \$100 each, for a total of \$300

Recommendation: \$150 (50% reduction for first late filing)

10. Rochelle Goldman

Two Monthly Lobbyist Reports for one employer

April report due 5/15/03; filed 6/23/03

May report due 6/16/03; filed 6/23/03

Statutory penalties: \$300 total (\$200 for April report; \$100 for May report)

Recommendation: \$150 (50% reduction for first late filing). Ms. Goldman only recently registered as a lobbyist in Maine.

11. Verrill & Dana LLP

John Nutting

Monthly Lobbyist Report for one employer

Beth Dobson

Monthly Lobbyist Report for one employer

James Cohen

Monthly Lobbyist Reports for five employers

Reports due 7/15/03; all seven filed on 7/16/03 – one day late

Statutory Penalties: \$100 each, for a total of \$700

Recommendation: \$350 (50% for first late filing by all three lobbyists)

12. Distribution Amounts for 2004 Legislative Candidates

The staff requests that the Commission adopt distribution amounts to be paid to Maine Clean Election Act candidates in the 2004 elections.

13. Legislative Ethics Question from Rep. John Piotti

On June 10, 2003, Maine voters approved the issuance of a bond to fund the Farms for the Future program. Representative John Piotti, who sits on the Agriculture, Conservation and Forestry Committee, anticipates that the bond will result in amendments to the law that governs the program. The Representative's employer previously administered the program for the State of Maine, and would likely bid on the contract in the future. On March 12, 2003, when the Legislature was considering the

bond bill, the Commission determined that the circumstances did not appear to raise a conflict of interest.

14. Other

Miscellaneous as needed.

EXECUTIVE SESSION

If necessary.

ADJOURNMENT